

AMENDED IN SENATE APRIL 14, 2004

SENATE BILL

No. 1138

Introduced by Senator Hollingsworth

January 20, 2004

An act to amend Sections 37700, 37701, 37702, 37703, 37704, 37706, and 37707 of, *and to add Section 37700.10 to*, the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1138, as amended, Hollingsworth. School districts: four-day school week.

Existing law authorizes the Pacific Unified School District, the Leggett Valley Unified School District, and the Reeds Creek Elementary School District, to operate one or more schools in their districts on a 4-day school week, so long as the school district complies with specified requirements, including, instructional time requirements. *Existing law requires the Superintendent of Public Instruction to reduce the base revenue limit per unit of average daily attendance of a school district that operates one or more schools in its district on a 4-day school week and provides less than 180 days of instruction, as specified.*

This bill would extend that authorization and those attending requirements to all school districts *with less than 2,500 average daily attendance. The bill would also require the superintendent to invite 3 school districts with less than 12,000 average daily attendance to operate one or more schools on a 4-day school week.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 37700 of the Education Code is amended to read:

37700. (a) Notwithstanding any other law, a school district *with less than 2,500 average daily attendance* may operate one or more schools on a four-day school week, if the school district complies with the instructional time requirements specified in Section 37701 and the other requirements of this chapter.

~~(b) If a school district operates one or more schools on a four-day week pursuant to this section and the program for the school year provides less than the 180 days of instruction required under Section 46200, the Superintendent of Public Instruction shall reduce the base revenue limit per unit of average daily attendance for that fiscal year by the amount the school district would have received for the increase received pursuant to subdivision (a) of Section 46200, as adjusted in fiscal years subsequent to the 1984–85 fiscal year. If a school district operates~~

(b) If a school district operates one or more schools on a four-day school week pursuant to this section and the program provides less than the minimum instructional minutes required under Section 46201, the Superintendent of Public Instruction shall reduce the base revenue limit per unit of average daily attendance for that fiscal year in which the reduction occurs by the amount the school district would have received for the increase in the 1987–88 fiscal year base revenue limit per unit of average daily attendance pursuant to paragraph (6) of subdivision (b) of Section 42238, as adjusted in the 1987–88 fiscal year and fiscal years thereafter.

(c) A school district with an exclusive bargaining representative may operate a school on a four-day school week pursuant to this section only if the school district and the representative of each bargaining unit of the school district employees *mutually* agree to that operation in a memorandum of understanding.

SEC. 2. Section 37700.10 is added to the Education Code, to read:

37700.10. *Notwithstanding subdivision (a) of Section 37700, the Superintendent of Public Instruction shall invite three school districts with less than 12,000 average daily attendance to operate*

1 *one or more schools on a four-day school week, as provided by this*
2 *chapter.*

3 *SEC. 3.* Section 37701 of the Education Code is amended to
4 read:

5 37701. The school district shall provide on an annual basis,
6 while operating a school on a four-day school week, not less than
7 560 hours of instructional time for kindergarten, not less than 700
8 hours of instructional time for grades 1, 2, and 3, and not less than
9 845 hours of instructional time for grades 4 to 12, inclusive. The
10 school district may exceed these minimum instructional times
11 except that no pupil in a kindergarten shall be kept in school more
12 than four hours in any day, exclusive of recesses. The school day
13 may not exceed eight hours, nor may the school week be less than
14 four days.

15 ~~SEC. 3.~~

16 *SEC. 4.* Section 37702 of the Education Code is amended to
17 read:

18 37702. Prior to operating a school on a four-day school week,
19 the school district shall secure the approval of the governing board
20 of the district and of any collective bargaining agents representing
21 employees of the school district.

22 ~~SEC. 4.~~

23 *SEC. 5.* Section 37703 of the Education Code is amended to
24 read:

25 37703. A school site council in the school district shall be
26 involved in the planning and evaluation of a four-day school week.

27 ~~SEC. 5.~~

28 *SEC. 6.* Section 37704 of the Education Code is amended to
29 read:

30 37704. The school district shall consider the impact of the
31 longer schoolday on primary grade pupils, and the impact of the
32 four-day school week on working parents who may be required to
33 find child care services for their schoolage children due to the
34 shortened school week.

35 ~~SEC. 6.~~

36 *SEC. 7.* Section 37706 of the Education Code is amended to
37 read:

38 37706. If a school district elects to operate a school on a
39 four-day school week as authorized by this chapter, the school
40 district shall be entitled to receive the same support, but not more

1 support, from the State School Fund due to the average daily
2 attendance at the schools within the school district that it would
3 have received if the school district had been operating under the
4 provisions of law relating to the 175-day school year.

5 ~~SEC. 7.~~

6 *SEC. 8.* Section 37707 of the Education Code is amended to
7 read:

8 37707. If the school district elects to operate a school on a
9 four-day school week pursuant to this chapter, the reduced number
10 of schooldays in the school district shall not affect the rights of
11 certificated or classified employees of the school district with
12 regard to classification, tenure, or notice, and shall not otherwise
13 affect the contract rights of the employees.

